

EXHIBIT 1

6/7/2021 9:42 AM

21CV22804

IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF MULTNOMAH

CLAIRE BINCI,

Plaintiff,

v.

ALASKA AIRLINES, INC., an Alaskan
Corporation,

Defendant.

Case No. 21CV22804

COMPLAINT FOR PERSONAL INJURY,
AND REQUEST FOR JURY TRIAL

Not Subject to Mandatory Arbitration

Fee Authority ORS 21.160(1)(c)
Amount claimed < \$1 million

COMES NOW, Claire Binci, who alleges the following operative facts and makes the following claim(s) for relief:

1.

At all times material herein, Plaintiff was a resident of Portland, Multnomah County, Oregon.

2.

At all material times mentioned herein, Defendant Alaska Airlines, Inc. (Alaska), was a Foreign Business Corporation authorized to do business as an airline. Defendant Alaska was and is a common carrier, and as such had a duty to passengers to use the highest standard of care to ensure passenger safety.

3.

On or about June 5, 2019, plaintiff Claire Binci was a passenger on Alaska Airlines Flight 1372 travelling from Portland, Oregon to San Francisco, California.

4.

Alaska flight attendants and other agents and employees on Alaska Airlines Flight 1372 travelling from Portland, Oregon to San Francisco, California on or about June 5, 2019, were acting within the course and scope of their employment throughout the duration

1 of the preflight, flight, and post-flight.

2 **FIRST CLAIM FOR RELIEF**
3 **(Negligence) (Personal Injury)**

4 5.

5 Plaintiff realleges and therefore incorporates by this reference paragraphs 1-4
6 above, as though fully set forth.

7 6.

8 While in flight, the seat back from the passenger seat directly in front of plaintiff
9 Claire Binci abruptly and forcefully reclined without warning, striking her head, and
10 causing Ms. Binci's injuries and damages as described below.

11 7.

12 Defendant was negligent in one or more of the following particulars which directly
13 led to the plaintiff Claire Binci's injuries:

14 a. In failing to appreciate plaintiff Claire Binci's location and position while
15 seated and the risk posed by the seat back of the passenger seat directly in front of plaintiff
16 Claire Binci when it abruptly and forcefully reclined;

17 b. In failing to use reasonable safeguards to prevent the abrupt and forceful
18 reclining of the seat back of the passenger seat directly in front of plaintiff Claire Binci's
19 assigned seat; and,

20 c. In failing to warn plaintiff Claire Binci of the hazard of an abruptly and
21 forcefully reclined seat back of the passenger seat directly in front of her.

22 8.

23 As a direct result of Defendant's negligence, plaintiff Claire Binci suffered injuries to
24 the muscles, tendons, and soft tissues of her head and neck, all of which injuries have
25 caused her to suffer non-economic damages including, but not limited to, past pain and
26 suffering as well as past inconvenience and interference with normal and usual activities

1 apart from gainful employment, all to her non-economic damages of \$200,000.00, or an
2 amount to be proven at trial.

3 9.

4 As a direct result of Defendant's negligence, plaintiff Claire Binci required
5 reasonable and necessary medical treatment and therapy, all to her economic damage of
6 \$49,162.59 or an amount to be proven at trial.

7 10.

8 As a direct result of Defendant's negligence, plaintiff Claire Binci was unable to
9 perform her normal duties at her place of employment due to pain and discomfort she
10 experienced following the incident. Plaintiff experienced a total wage loss of no less than
11 \$2,863.10, or an amount to be proven at trial.

12 WHEREFORE, Plaintiff prays for judgment against Defendant as follows:

13 1. Non-economic damages for pain and suffering in the amount of \$200,000.00,
14 or an amount to be proven at trial;

15 2. Economic damages for medical expenses in the amount no less than
16 \$49,162.59, or an amount to be proven at trial;

17 3. Damages for lost wages in the amount no less than \$2,863.10, or an amount
18 to be proven at trial;

19 4. For interest according to law;

20 5. Cost and disbursements incurred herein; and

21 6. For such other relief as the court deems just.

22 DATED: Jun 7, 2021.

23 McKEAN SMITH



24 Collin C. McKean, OSB #060920
25 collin@mckeansmithlaw.com
26 Of Attorneys for Plaintiff
Trial Attorney: Same